



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY/AGENT NO.
06/254,313	04/15/81	CHENARD	

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HOKE, U EXAMINER

ART. UNIT	PAPER NUMBER
38	

DATE MAILED: 5/2/81

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892.	2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.
3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449	4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152
5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474	6. <input type="checkbox"/> _____

Part II SUMMARY OF ACTION

1.  Claims 59 to 70 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 59 to 70 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8.  Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are  acceptable;  not acceptable (see explanation).

10.  The  proposed drawing correction and/or the  proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved.  disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. 070,503; filed on 8-28-79.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

15.

This application's claims 59 to 62 and 64 through 69 were finally rejected in paper no. 6 dated June 16, 1982. The rejection was upheld in the Board of Patent Appeals and Interferences Decision - paper- no. 36 mailed June 25, 1987. In addition those claims were rejected under 35 USC 102 and 103 in the Board's new rejections under 37 CFR 1.196(b) on pages 10 through 12 of the decision. The period of one month set for response to said new grounds of rejection, as indicated on page 13 in the decision, having passed, those claims' subject matter is considered disclaimed. Cancellation is required.

Claims 63 to 70, previously indicated as allowable by the examiner, are now rejected over the following U.S. patents which issued during the interim period after the final rejection was made but before the appeal was heard.

Claims 63 to 70 are rejected under 35 USC (e) and (g) as fully met by Bresser et al patent no. 4,576,984.

Applicants earliest disclosure, their French application filed August 29, 1978, upon which priority under 35 USC 119 has been requested finds specific antecedent support for the mercapto acid esters but only broad generic support for the organotin compounds. In any event, 35 USC 101 and 102 prohibit issuance of more than one patent for the same invention.

Applicant is advised that in view of their ostensible earlier conception, that all claims that can be copied for purposes of interference should be made in order to avoid a holding of disclaimer on the grounds stated by the Board of Appeals and Interferences on page 10 for the same decision.

In patent 4,576,984 one or more organotin compounds (claim 2) e.g. monobutyltin dodecyl mercaptide sulfide,  $C_4H_9-Sn\{S-C_{12}H_{25}\}_3$  or organotin mercapto ester sulfide of applicants generic formula corresponding to Bressers formula XIV compounds (see also Table VII in cols. 17 and 18) is combined with a mercapto acid ester such as 2-mercaptop ethyl stearate (col. 39 example 2). The organotin compounds are within formulas III and XIV for example and the mercapto acid ester within formula VI.

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9/24/87

9/28/87



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GROUP 150 - ART UNIT 153